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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/928,861	09/12/1997	IGOR NEYMAN	P3251	1146

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CENTRAL COAST PATENT AGENCY  
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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/928,861

Applicant(s)

NEYMAN ET AL.

Examiner

Allan Hoosain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 recites the limitation "the call center" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
4. Claims 10 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rogers et al.** (US 5,946,386).

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As to Claim 10, with respect to Figures 1-2 and 5, **Rogers** teaches in a customer premises Internet Protocol Network Telephony organization (call center) having a managing processor coupled to a plurality of IPNT-capable agent workstations, including sets of routing rules specific to individual users (agents) assigned to the workstations, the managing processor for routing received calls to individual ones of the connected users (agents) at the computer workstations, a method for individual customization of routing rules for the received calls, comprising steps of:

- (a) executing a client user interface on one of the computer workstations by a user (an agent) at the station (Col. 36, lines 23-32);

- (b) determining routing for the received calls addressed to the computer workstation at the computer workstation by the user (agent) at the computer workstation using the client user interface to access and edit personal routing rules (Col. 33-45);

- (c) transmitting the routing determination to a router executing on the managing processor (Col. 36, lines 19-32); and

- (d) routing the received telephone calls by the router according to the transmitted routing determination (Col. 36, lines 33-45 and Col. 37, lines 1-51).

As to Claims 12,16, **Rogers** teaches the method of claim 10 wherein the processor executing the client-server router is a processor separate from the managing processor (Figure 1, labels 101 and 110).

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As to Claim 13, with respect to Figures 1 and 5, **Rogers** teaches a call router system for determining routing of incoming Internet Protocol Network Telephony calls in a customer premises organization (call center) including a managing processor connected to individual IPNT-capable computer workstations, the managing processor having sets of routing rules specific to individual agents associated with the workstations, the router system comprising:

a client user interface executable on one of the computer workstations, and adapted to provide functions for editing routing rules for individual users (agents) (Col. 36, lines 46-51); and

a router listing current routing rules specific to the user (agent) at the workstation (Col. 36, lines 23-27 and 46-52);

wherein the client user interface is adapted to transmit user (agent)-edited routing rules to the router, and the router is adapted to provide routing to incoming calls addressed to the user (agent) according to the current routing rules (Col. 36, lines 33-45 and Col. 37, lines 1-51).

As to Claim 14, **Rogers** teaches the method of claim 13 wherein the editable routing rules for the intended recipient are maintained on a central client-server router executed on a processor (Col. 36, lines 24-28 and Col. 9, lines 1-11).

As to Claim 15, **Rogers** teaches the method of claim 14 wherein the processor is the managing processor for the call center (Col. 36, lines 24-28).

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As to Claim 17, **Rogers** teaches the method of claim 14 wherein the editable routing rules specific to the person are maintained at the computer workstation (Col. 36, lines 46-51).

As to Claim 18, **Rogers** teaches the organization (call router) system of claim 14 wherein routing rules for connected user's (agent's) computer workstations are maintained separately on the processor that executes the router, and wherein routing is accessed from the routing rules according to destination information for received calls (Figure 1, labels 110, 101 and Col. 36, lines 33-45).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogers** in view of **Andrews et al.** (US 5,848,143).

As to Claims 2-9, with respect to Figures 1 and 5, **Rogers** teaches a method for routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a plurality of agent stations coupled to the managing processor, each agent station comprising a computer digitally connected to a telephone forming an IPNT-capable workstation, the managing processor storing a current set of routing rules specific to and accessible and editable by a person assigned to the computer workstation, the method comprising steps of:

- (a) receiving an IPNT call at the managing processor (Col. 7, lines 39-43);
- (b) determining the person assigned to the IPNT-capable workstation is an intended recipient for the call (Col. 11, lines 20-43);
- (c) requesting routing by the managing processor from the specific set of current routing rules for the workstation, accessible and editable by the person assigned to the computer workstation (Col. 12, lines 1-6 and Col. 36, lines 33-45); and
- (d) routing the call to the IPNT-capable workstation associated with the intended recipient according to the current routing rules specific to the intended recipient (Col. 36, lines 33-45 and Col. 37, lines 1-51).

**Rogers** does not teach the following limitation:

“a computer digitally connected to a telephone”

However, it is obvious that **Rogers** suggests the limitation. This is because **Rogers** teaches routing voice-over-Internet calls to any telephone instrument and TAPI client (Col. 9, lines 47-52

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and Col. 35, lines 18-22). **Andrews** teaches the limitation (Figure 11). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add digital connection capability to **Rogers**' invention for integrating telephones and computers as taught by **Andrews**' invention in order to provide other applications for placing or receiving calls.

### ***Response to Arguments***

8. Applicant's arguments filed 1/13/03 have been fully considered but they are not persuasive because of the following:

(a) Applicants argue that their IPNT calls do not use PSTN facilities as shown in Figure 7.

Examiner respectfully disagrees for the same reasons given in Section 5 of the 10/25/02 Office Action. In addition, the disclosed teachings with respect to Figure 7 do not teach routing of Internet calls over data link 1119. If there is such a teaching in the disclosure, Examiner respectfully asks Applicants to point Examiner to the respective passages.

(b) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Anderson** (US 5,757,904) teaches a call center with integrated telephones and computer workstations.



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10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

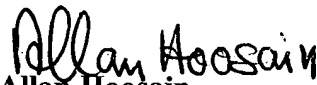
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
2/10/03